INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT AND CIVILIZATION
(ISTAC)

THE CONCEPT OF AL-ḤĀKIMIYYAH LI ALLĀH
(THE SOVEREIGNTY OF GOD) IN CONTEMPORARY
ISLAMIC POLITICAL THOUGHT

A THESIS SUBMITTED TO THE INTERNATIONAL INSTITUTE
OF ISLAMIC THOUGHT AND CIVILIZATION (ISTAC) IN PARTIAL
FULFILLMENT OF THE M.A. DEGREE

BY
KHALIF MUʿAMMAR A. HARRIS
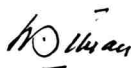

KUALA LUMPUR, MALAYSIA
MAY, 2003

APPROVAL PAGE (For Master's degree)

I certify that I have supervised and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Master of **Islamic Civilization.**

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This dissertation was submitted to the Kulliyyah of **ISTAC** and is accepted in partial fulfillment of the requirements for the degree of Master of **Islamic Civilization.**

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In the Name of Allah, the Compassionate, the Merciful.

And this (He commands): Judge thou between them by what God hath revealed, and follow not their vain desires, but beware of them lest they beguile thee from any of that (teaching) which God hath sent down to thee. And if they turn away, be assured that for some of their crime it is God's purpose to punish them. And truly most men are rebellious. Do they then seek after a judgment of (the days of) ignorance? But who, for a people whose faith is assured, can give better judgment than God?

(Sūrat al-Mā'idah, 5:49-50).

DECLARATION

I hereby declare that this thesis is the result of my own investigations, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references and a bibliography is appended.

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ABSTRACT

This study is an attempt to investigate the concept of *al-ḥākimiyyah li Allāh* (the sovereignty of God) in contemporary Islamic political thought. Its main objective is to evaluate the exposition of Mawdudi and Sayyid Quṭb of the concept of *al-ḥākimiyyah* and the controversy surrounding it. It attempts to refute the claim that the concept is intrinsically theocratic and tries to clarify what the present writer regards is the misconception of this notion on the part of its critics.

The study employs a historical and an analytical approach. For the purpose of comparison, the study begins with the Western conception of sovereignty, and then scrutinizes the Islamic conception: the origins of this concept, its historical development, and underscores the fact that the concept was well established in the Qur'an and the Sunnah, in addition to a close relation between this concept with the concept of *tawḥīd* (the Unity of God) and the concept of supremacy of the Sharī'ah which are unanimously regarded as fundamental tenets of Islam. The conceptualization of *al-ḥākimiyyah* in modern time generates strong criticism from modernists, liberals and some Islamists: Naṣr Ḥāmid Abū Zayd, Asghar Ali Engineer, Nazih Ayubi, Ḥaydar Ibrāhīm 'Alī, Muḥammad 'Imārah and Fahmī Huwaydī. The criticism hovers around the allegation that this concept is Kharijite' in origin, parallels to the Shi'ite doctrine of *wilāyat al-faqīh* (guardianship of the juristconsult), thereby the application of which will inevitably result in theocratic and authoritarian government. Nevertheless, besides strong criticism it also receives vigorous corroboration from a large number of contemporary Muslim scholars: Ismā'īl Rājī al-Fārūqī, Yūsuf al-Qaraḍāwī, Muḥammad 'Abd al-Qādir Abū Fāris,

Muḥammad Saʿīd Ramaḍān al-Būṭī, Fatḥī al-Duraynī, Muhammad Hashim Kamali and Wahbah al-Zuḥaylī among others.

The study tries to answer a pressing question: who has more authority in this controversial issue? Is it the critics who interpret the concept according to their own understanding, or the advocates who refer to what the present writer maintains is the correct definition of the concept? Having examined the premises of both opponents and exponents, the study concludes that the critics failed to comprehend the true nature of the concept, instead, based their argument on their own understanding and assumption. Therefore, their criticisms are baseless and irrelevant to the correct conception. The study, after a thorough examination of the available evidence, unequivocally show that it favors the advocates' view, not only because it is the majority view, but most importantly, in addition to their strong argument, also because that they are prominent scholars and carry more intellectual authority.

ACKNOWLEGDEMENTS

TABLE OF CONTENTS

INTRODUCTION

1. Statement of the Problem. When the Muslim world was in a state of decadence, the West emerged with its vibrant civilization. The West then penetrated the Muslim world, and profound changes occurred in almost every sphere of life: in the political and economic institutions, in social and cultural values, and in philosophical and intellectual trends. The Muslims' encounter with the West resulted in the emergence of three major intellectual trends in the Muslim world. The first was the so-called Islamic orthodoxy or traditionalism that rejected the West and took refuge in the tradition of Islam. The second was a liberal secularism or modernism, that rejected the traditional social heritage and stressed the material and secular aspects of modern Western civilization as a model to follow. The third was the Islamic revivalist movement, started by Jamāl al-Dīn al-Afghānī and Muḥammad 'Abduh, and developed by Muḥammad Rashīd Riḍā. The movement sought to preserve the Islamic identity of the Ummah and to work out a sound synthesis between traditions and modernity.

These three groups of intellectuals often disagree on many issues. Indeed, they hardly concur on a single issue, especially on issues related to the legal and political life of the Muslim Ummah, issues such as Islam and politics, Islam and democracy, and the enforcement of the Sharī'ah. These controversial issues which have generated unending debate between the Islamists, on one hand, and the modernist-liberals, on the other, do not benefit Islam and the Muslim Ummah. They, in fact, cause bewilderment and crisis in the Muslim mind. The orientalists, on the other hand, take this opportunity to make the situation worse and fan the

1

flames of conflict between the so-called 'fundamentalists' and the secularist-liberals. The most debated question is what place religion ought to occupy within the general political structure of the state? This question, which originally belongs to the West, is assumed to be the Muslims' problem due to modernization and secularisation. For modern Muslim thinkers who follow the liberal, secular line, the right approach is the complete separation between religion and worldly affairs. In contrast, the Islamists believe that Islam loses its basic significance if it is deprived of its social and political dimensions.

In a relatively similar vein, the same conflict occurs with regard to the nature of the state in Islam. Sovereignty or supreme authority (conventionally translated as *al-siyadah*), identified in modern political thought as the core of modern democracy, is vested in the people. This popular sovereignty, which became predominant after the French revolution, was brought indifferently into the Muslim world and adopted in their constitutions. It is believed that Western democracy is the only desirable form of government. Muslim scholars have differed pertaining to the concept of sovereignty, in particular, and democracy, in general. For the moderate and modernist, Islam gives latitude in political matters and room for human discretion. Hence it is permitted to adopt Western concepts and ideas. The Islamists or revivalist thinkers, on the other hand, opposed vehemently the Western secular conception of sovereignty. For them, Western political ideas and concepts are not neutral i.e., value free, since they are entrenched with and formed through a long process of modernization and secularization in Western history. Therefore, it is crucial that Muslims should seek to formulate an Islamic conception from their own heritage. This process, which was conducted by many Muslim scholars throughout

2

Islamic history, is known in the twentieth century Islam as the Islamization of contemporary knowledge.

The concept of *al-ḥākimiyyah li Allāh*[1] (the sovereignty of God), which was projected and conceptualized by Abul A'la Mawdudi and Sayyid Quṭb in the middle of the 20th century C.E., is one of the most controversial ideas which has been intensely debated over the last few decades by Muslim intellectuals and scholars. Despite the overwhelming amount of discussion on the subject, many writers committed an injustice to the projectors and the exponents of this concept by not fully comprehending their ideas and conceptualization and then accusing these scholars of ideas and thought which do not belongs to them.[2] As a result, many Muslims, without conducting a thorough investigation, perceive the concept as a deleterious concept, Kharijite in origin, in line with the early Western conception sovereignty i.e. Divine right of king and theocracy, in accord with the Shi'ite doctrine of *wilayat al-faqīh*,[3] and thus intrinsically theocratic. This viewpoint has gained wide currency due to the lack of comprehensive research on the subject. However, surprisingly, a large number of Muslim scholars, premised on strong and plausible arguments, endorsed this concept of *al-ḥākimiyyah*, and perceived it differently from the critics' perspectives. Therefore, it is apparent that

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[1] *Al-ḥakimiyyah* is an Islamic term for 'sovereignty'. Though it is here translated as sovereignty it is not the equivalent term, because it is conceptually different from the Western conception of sovereignty.

[2] Some writers, who discussed this concept, did not even mention who were the projectors and the exponents of this concept. Some other are biased, they seem to be motivated by an apologetic tendency.

[3] It is worth noting that this concept of *wilāyat al-faqīh* is not an agreed upon concept between the Shi'i sects. Some of them disagree with it and maintain that this concept is not a Shi'i doctrine, rather it is merely a Khumaynī's innovation.

3

many Muslims have misunderstood the concept, due to the lack of exposition and an in-depth investigation of the subject.

Therefore, this study attempts to explore and examine thoroughly the concept of *al-ḥākimiyyah* (the sovereignty of God) in contemporary Islamic political thought and the controversy and criticism surrounding it. The main objective is to clear the misconception around the concept of *al-ḥākimiyyah*, and refute the arguments and willful distortions of its critics, ranging from the orientalists, modernists and liberals. In addition, the study aims to find out the real meaning and implication of *al-ḥākimiyyah* and to contrast it with the Western conception of sovereignty.

2. Objectives of the study. The purpose of this study is to present an exposition and explication on the concept of *al-ḥākimiyyah* (the Sovereignty of God) in contemporary Islamic political thought. Hence, the focus of this study will answer the following questions: What is the Islamic conception of sovereignty in comparison with the Western conception? What is the meaning of *al-ḥakīmiyyah*, literally and technically? In what senses has the term been used in the Holy Qur'ān? How can the concept be understood in relation to the concept of *tawḥīd* and the supremacy of the Sharī'ah? Was it a Qur'ānic or Khawārij-inspired concept? Is it true that in a state in which sovereignty belongs to God, the *'ulamā'* will be the only legitimate ruling authority in the name of God, as it was in the Medieval Ages of Western history? Does *al-ḥākimiyyah* entail denying altogether the role of human beings in law-making and legislation? Did Mawdudi and Sayyid Quṭb, based on this concept, completely reject democracy and promoting theocracy instead? Most importantly, is the alleged relationship between *al-ḥākimiyyah* and

4

theocracy justified?

3. *Methodology*. Since this study deals with one of the most controversial issues in Islamic political thought, we found that it is very difficult to conduct such a study. However, since our objective is not to support anyone or any idea, but to present the facts and tell the truth, the matter is not as difficult as it appears at first. In order not to be biased, we shall conduct this study with constant vigilance, and view the subject as objectively as possible. This study emphasizes doing justice to both opposing camps i.e., the exponents and the opponents of the concept. Any conclusion will be made based on a thorough examination not on an *apriori* basis. In addition, the historical approach and textual analysis will also be employed to trace back the origins of the theory and to evaluate and compare between viewpoints.

4. *Literature Review*. The intellectual discussion of the concept of sovereignty is prevalent in the political writings of the Western political theorists. The study refers to the writings of medieval thinkers such as Bodin's *Six books of the Commonweatlh*, Hobbes' *Leviathan*, Locke's *Second Treatise on Government*, Rousseau's *On the Social Contract*. Moreover, contemporary political writings are also our reference e.g., Hinsley's *Sovereignty*, David Held's *Political Theory and The Modern State* and *Models of Democracy*, Julie Mostov's *Power, Process, and Popular Sovereignty*. To ensure that the study is balanced we also refer to the writings of the opponents of liberal democracy, such as Harold Laski's *Grammar of Politics* and his other book *Studies in the Problem of Sovereignty*. In these books, Laski obviously rejected the prevalent conception of popular sovereignty. Joseph A Camillary is also one of the critics of the concept as can be seen from his book entitled *The End of Sovereignty? The Politics of a Shrinking and Fragmenting*

5

World. Another critic is Charles R. Beitz in his article "Sovereignty and Morality in International Affairs" in *Contending Sovereignty* edited by R.B.J. Walker and Saul H. Mendlovitz.

Since the publication of the writings of Mawdudi and Sayyid Quṭb, this concept of *al-ḥākimiyyah* began to be fiercely debated by a number of scholars. Hence, their books are regarded as the primary sources in this study. In addition, an attempt has been made to select and review some important and relevant works and publications that either support or refute the concept of *al-ḥākimiyyah*. Based on the above, these works can be divided into four categories.

The first category comprises the writings of Abul A'la Mawdudi and Sayyid Quṭb on the concept of *al-ḥākimiyyah*. Mawdudi's speeches and lectures were compiled and translated by Khurshid Ahmad and published in 1967 by Islamic Publication, Lahore. This work is entitled *Islamic Law and Constitution*. Besides this work, there are a number of books, which have been rendered into Arabic since early 1950s. These books are *Naẓariyyāt al-Islām al-Siyāsiyyah* published by Mu'assasah al-Risālah, and *al-Ḥukūmah al-Islāmiyyah*. Mawdudi wrote these books in the late 1940s after the separation of Pakistan from India. His intention was to put pressure on the Constituent Assembly to found the polity and the constitution of the newly formed government upon Islamic principles. His political ideas, to some extent, affected modern Islamic activists and movements. The main assertion of his writings is that Islam has a theory of politics, and most importantly, the implementation of this theory is mandatory.

Under the same theme, are the works of Sayyid Quṭb, namely *al-'Adālah al-Ijtimā'iyyah fī al-Islām* which was first published in 1951; *Ma'ālim fī al-Ṭarīq*

6

(Milestone) published in Beirut in 1968, *Fī Zilāl al-Qur'ān* published by Dār al-Ma'rifah, Beirut in 1971; *Ma'rakat al-Islām wa al-Ra'smāliyyah*, *Muqawwimāt al-Tasawwur al-Islāmī* and *Dirāsat Islāmiyyah*. Suprisingly and contrary to the allegation of some who criticized him, Qutb was consistent in his writings, especially, in his conception of *al-hākimiyyah*. This concept was discussed in his first book *al-'Adālah al-Ijtimā'iyyah fī al-Islām*. Besides his discussion of social justice in Islam, he also discussed in brief the notion of *al-hākimiyyah li Allāh*. Sayyid Qutb's books present fundamental Islamic political concepts such as *al-hakimiyyah*, *al-jāhiliyyah* and *al-jīhād* and the necessity to transform the contemporary social and political order.

Besides the projectors' works, there are books and articles which fall into the second category, that is the books which are devoted to this particular subject. One such book is entitled *al-Ab'ād al-Siyāsiyyah li Mafhūm al-Hākimiyyah: Ru'yah Ma'rifiyyah* written by Hishām Ja'far 'Iwad. This book makes a considerable contribution to the concept of *al-hākimiyyah*.[4] He focuses on the conceptual ground of the concept, employing the analytical and comparative method in his discussion. So far, the book is regarded as one of the most comprehensive study conducted on *al-hākimiyyah*. However, apart from that, the book fails to cover all the main aspects and the implications of the conceptualization of *al-hākimiyyah*, particularly the debate among scholars and their criticism. It is also devoid of exposition of *al-hākimiyyah's* correlation with modern political concepts, which this study tries to cover. Bustami Muhammad Khir's article falls into this category as well. His article entitled *Concept of Sovereignty in Contemporary Islamic Movement* was the

7

adaptation of his Ph.D. thesis. From my own observations, his study suffers from an imbalanced assessment in that the author inconsiderately equates this concept of *al-ḥākimiyyah* with the early Western understanding of this concept that is the divine right of kings and theocracy. This study will prove otherwise.

The third category of this literature review comprises the works of those who criticize and refute the concept of *al-ḥākimiyyah*. The critics' writings consist of Naṣr Ḥamid Abū Zayd's *Naqd al-Khiṭāb al-Dīnī*, Asghar Ali Engineer's *The Islamic State*, Ḥaydar Ibrahīm ʿAlī's *al-Tayyārāt al-Islamiyyah wa Qaḍiyyat al-Dimuqrāṭiyyah*, Moussalli's *Moderate and Radical Islamic Fundamentalism*, Nazih Ayubi's "Islamic State" in the Encyclopaedia of Islam; Aḥmad Māḍī's article, published in *Majallat al-Falsafiyyah al-ʿArabiyyah* in 1994, entitled *al-Ḥākimiyyah lillāh fī Fikr Sayyid Quṭb*, Muḥammad ʿImārah is also one of the contemporary scholars who strongly refutes the concept of *al-ḥākimiyyah*. In his book *al-Dawlah al-Islāmiyyah bayn al-ʿIlmāniyyah wa al-Sulṭah al-Dīniyyah*, he refutes Mawdudi's concept of al-*Ḥākimiyyah* and accuses him of promoting theocratic and totalitarian rule. His article *Naẓariyyāt al-Ḥākimiyyah al-Ilāhiyyah fī Fikr Abī al-Aʿlā al-Mawdūdī* is in a similar vein. Abū al-Ḥasan al-Nadawī is another scholar who refutes Mawdudi's and Sayyid Quṭb's political ideas. His book is entitled *al-Tafsīr al-Siyasī fī al-Islām fī Mirʾāt Kitābāt al-Ustādh Abī al-Aʿlā al-Mawdūdī wa al-Shahīd Sayyid Quṭb*. from his observations they were too involved in politicizing Islam. Undoubtedly, these opponents' writings are needed for a balanced study.

The fourth category consists of the writings of those who advocate the concept of *al-ḥākimiyyah*. Ismāʿīl Rājī al-Farūqī's *Tawhīd: its Implications for*

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[4] This book is originally a Master's thesis. It was published in 1995 by the International Institute of

Thought and Life, Wahbah al-Zuḥaylī: *al-Fiqh al-Islāmī wa Adillatuhū*, Muḥammad Saʿīd Ramaḍān al-Būtī's *Kubrā al-Yaqīniyyāt al-Kawniyyah*, Yūsuf al-Qaraḍāwī's *Min Fiqh al-Dawlah fī al-Islām*, Muḥammad Hashim Kamali's article: "Characteristics of Islamic State" and his article "The Limits of Power in an Islamic State" were published in Islamic Studies in 1993 and 1989 respectively; Maḥmūd al-Khālidī's *Qawāʿid Niẓam al-Ḥukm fī al-Islām*, and Haroon Khan Sherwani's *Muslim Political Thought and Administration*. In this revised Indian edition he added two appendixes, in one of which he discusses the Islamic conception of sovereignty; Muḥammad ʿAbd al-Qādir Abū Fāris's *al-Niẓām al-Siyāsī fī al-Islām*, ʿAlī Jarīshah's *al-Mashrūʿiyyah al-Islamiyyah al-ʿUlyā*, the author adopts a different approach in that he uses the term *al-mashrūʿiyyah* instead of using the term *al-ḥākimiyyah* in discussing this issue. There are many other Muslim scholars who advocate this concept of *al-ḥākimiyyah*. We will enumerate them in the appendix.

5. Chapter Outline. This thesis has an introduction, four chapters and a conclusion. The first chapter deals with the Western conception of sovereignty in order to shed light on its significance in modern political thought. This does not presuppose that this concept emerged first in the West, and the Islamic conception is merely reactionary. Rather, such an exploration is necessary to ensure that a sound comparison and critical assessment can be made and to be able to contrast the secular conception with the Islamic conception. Chapter Two provides an extensive study of the origins of *al-ḥākimiyyah*, the Qurʾānic usage and meanings, the relation between this concept with the concept of *tawḥīd* and the supremacy of

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9

the Sharī'ah which are regarded as fundamental tenets of Islam. In addition, this chapter also discusses the abuses of this concept on the part of the Kharijites and some Caliphs of the Umayyads and the Abbasids. Chapter Three focuses on the views of Muslim thinkers who, at the same time, are the ideologues of Islamic revivalist movements. Their views constitute the guidelines for contemporary scholars in formulating the concepts and principles of modern Islamic political thought. In addition, the study explicates the conceptualization of *al-ḥākimiyyah* by Mawdudi and Sayyid Qutb and the misconception or distorted conception of those who claim to be the staunch followers of Mawdudi and Qutb, but who promote ideas which are not in accord with the Mawdudi-Qutb lines of thought. Chapter Four deals with the criticism of the concept of *al-ḥākimiyyah* which comes from the modernists, liberals and some Islamists. This is followed by a rebuttal and refutation of the criticism. In order to support this refutation the study presents the advocates' viewpoints on the concept of *al-ḥākimiyyah*. This chapter also highlights the misconception of the critics and proves that their interpretation of the concept of *al-ḥākimiyyah* is erroneous. Hence, their conclusion, which is based on false premises, inevitably resulted in an unjustified interpretation and baseless allegation.

CHAPTER ONE

THE WESTERN CONCEPTION OF SOVEREIGNTY

Sovereignty is a central political concept in Western political thought. This concept has its roots in the history of Western civilization up to the Roman Empire. The concept, which was considered as the backbone of the political authority of the kings and was characterized by its repressive and despotic nature during this period of European history, had become antiquated political theory. The emergence of the Enlightenment era had changed the Western conception of sovereignty, thereby, a new paradigm occurred. The new conception was formulated as a revolution against the previous one. The latter was seen as the product of political absolutism and, therefore, was no longer relevant in the modern era.

Many Western scholars maintain that the concept of sovereignty in Western history is as problematic and ambiguous as the concepts of state and government.[1] Its origin and history are connected to the origin and development of the state. Much of the confusion arises from the many connotations it has acquired over the centuries. The problem in the theory of sovereignty, as David Held points out, besides its various definitions throughout Western history, is that there was no clear statement on the nature and the source of this sovereignty, its limitations, and the ends to which that power should be directed. Moreover, the philosophers who developed this theory contradicted each other in identifying the locus of sovereignty and its nature.[2]

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[1] David Held, *Political Theory and the Modern State* (Cambridge: Polity Press,1989), 215. Hereafter cited as *Political Theory and the Modern State.*

[2] Ibid., 215-6.

11

1. The Definition of Sovereignty.

There is no straightforward and agreed upon definition of the term sovereignty. There is little agreement about its meaning as numerous accounts have been offered to determine the proper locus of 'supreme power' in society.[3] Originally, as derived from the Latin term *superanus* or *superatus* through the French term *souveraineté*, sovereignty was meant to be the equivalent of supreme power. There are various definitions of the term, for instance, sovereignty according to Hinsley, one of the foremost contemporary exponents of the theory of popular sovereignty, is "The idea that there is a final and absolute authority in the political community". He further maintains that "no final and absolute authority exists elsewhere".[4] For Burgess, sovereignty meant nothing less than "original, absolute, unlimited, universal power over the individual subject and over all associations of subjects."[5]

Bernard Crick, on the other hand, defines sovereignty as a "theory of politics which claims that in every system of government there must be some absolute power of final decision exercised by some person or body recognized both as competent to decide and as able to enforce the decision."[6] In other words, sovereignty is the attribute by which a person or institution exercises ultimate authority over every other person or institution in its domain.[7]

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[3] Ibid., 215, 219.

[4] F.H. Hinsley, *Sovereignty,* 2nd ed. (Cambridge: Cambridge University Press,1986), 26. Hereafter cited as Hinsley, *Sovereignty.*

[5] John Burgess, *The Foundation of Political Science* (Somerset, U.S.A.: Transaction ,1994), 17.

[6] Bernard Crick,"Sovereignty", *International Encyclopedia of the Social Sciences* (1972), 15: 77-81.

[7] John D. Ford, "Sovereignty", *Encyclopaedia of Philosophy,* Routledge (1998),487.